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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032.392	12/21/2001	Selvakumar Natesan	U 013775-0	5457

7590

03/25/2003

Ladas & Parry  
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New York, NY 10023

EXAMINER

SMALL, ANDREA D SOUZA

ART UNIT

PAPER NUMBER

1626

DATE MAILED: 03/25/2003

*S*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,392

Applicant(s)

NATESAN ET AL.

Examiner

Andrea D Small

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *I. Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20 in part, 31-38 and 41-51, drawn to compounds of formula (I), its process and corresponding methods of use, wherein Z is sulfur, classified in class 514, subclass 365.
- II. Claims 1-20 in part, 31-38 and 41-51, drawn to compounds of formula (I), its process and corresponding methods of use, wherein Z is oxygen, classified in class 514, subclass 376.
- III. Claims 1-20 in part, 31-38 and 41-51, drawn to compounds of formula (I), its process and corresponding methods of use, wherein Z is =CH, classified in class 514, subclass 376.
- IV. Claims 1-20 in part, 31-38 and 41-51, drawn to compounds of formula (I), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 514, subclass 376.
- V. Claims 21-22 in part, drawn to compounds of formula (VII), its process and corresponding methods of use, wherein Z is sulfur, classified in class 548, subclass 198.
- VI. Claims 21-22 in part, drawn to compounds of formula (VII), its process and corresponding methods of use, wherein Z is oxygen, classified in class 548, subclass 215.

Art Unit: 1626

- VII. Claims 21-22 in part, drawn to compounds of formula (VII), its process and corresponding methods of use, wherein Z is =CH, classified in class 548, subclass 566.
- VIII. Claims 21-22 in part, drawn to compounds of formula (VII), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 548, subclass 300.1+.
- IX. Claims 23-24 in part, drawn to compounds of formula (VI), its process and corresponding methods of use, wherein Z is sulfur, classified in class 548, subclass 198.
- X. Claims 23-24 in part, drawn to compounds of formula (VI), its process and corresponding methods of use, wherein Z is oxygen, classified in class 548, subclass 215.
- XI. Claims 23-24 in part, drawn to compounds of formula (VI), its process and corresponding methods of use, wherein Z is =CH, classified in class 548, subclass 566.
- XII. Claims 23-24 in part, drawn to compounds of formula (VI), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 548, subclass 300.1+.
- XIII. Claims 25-26 in part, drawn to compounds of formula (X), its process and corresponding methods of use, wherein Z is sulfur, classified in class 548, subclass 198.

- XIV. Claims 25-26 in part, drawn to compounds of formula (X), its process and corresponding methods of use, wherein Z is oxygen, classified in class 548, subclass 215.
- XV. Claims 25-26 in part, drawn to compounds of formula (X), its process and corresponding methods of use, wherein Z is =CH, classified in class 548, subclass 566.
- XVI. Claims 25-26 in part, drawn to compounds of formula (X), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 548, subclass 300.1+.
- XVII. Claims 27-28 in part, drawn to compounds of formula (XVI), its process and corresponding methods of use, wherein Z is sulfur, classified in class 548, subclass 198.
- XVIII. Claims 27-28 in part, drawn to compounds of formula (XVI), its process and corresponding methods of use, wherein Z is oxygen, classified in class 548, subclass 215.
- XIX. Claims 27-28 in part, drawn to compounds of formula (XVI), its process and corresponding methods of use, wherein Z is =CH, classified in class 548, subclass 566.
- XX. Claims 27-28 in part, drawn to compounds of formula (XVI), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 548, subclass 300.1+.

Art Unit: 1626

- XXI. Claims 29-30 in part, drawn to compounds of formula (XVIII), its process and corresponding methods of use, wherein Z is sulfur, classified in class 548, subclass 198.
- XXII. Claims 29-30 in part, drawn to compounds of formula (XVIII), its process and corresponding methods of use, wherein Z is oxygen, classified in class 548, subclass 215.
- XXIII. Claims 29-30 in part, drawn to compounds of formula (XVIII), its process and corresponding methods of use, wherein Z is =CH, classified in class 548, subclass 566.
- XXIV. Claims 29-30 in part, drawn to compounds of formula (XVIII), its process and corresponding methods of use, wherein Z is nitrogen, classified in class 548, subclass 300.1+.

Inventions of groups I-XXIV and vice versa are unrelated one from the other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together, in fact each group of compounds is materially different in structure and form, each has effects that vary in degree and operation from the other. These groups are so distinct from one another that a reference that would anticipate but one of the inventive groups would not render any one of the other obvious. Additionally, each group is drawn to a patentably distinct class of compounds that would require separate electronic database searches with different search

Art Unit: 1626

strategies. Examining all these groups of inventions in one application would impose a serious burden on the office.

Because these inventions are distinct for the reasons given above and the search required for one group is not required for any one of the others, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## ***II. Contact Information:***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea D. Small, whose telephone number is (703) 305-0811. The examiner can normally be reached on Monday-Thursday from 8:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (703) 308-4537. The Unofficial fax phone number for this Group is (703) 308-7921. The Official fax phone numbers for this Group are (703) 308-4556 or 305-3592.

When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Joseph.McKane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

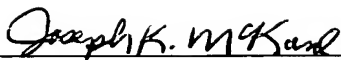
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-1234

Application/Control Number: 10/032,392

Page 7

Art Unit: 1626

Andrea D. Small, Esq.  
March 20, 2003

  
\_\_\_\_\_  
Joseph K. McKane  
Supervisory Patent Examiner  
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